



Zoning Board of Appeals Minutes
Tuesday, July 20, 2021
5:30 P.M. – City Council Chambers, 2nd floor, City Hall
425 East State Street
Rockford, IL 61104
779-348-7163

Present:

ZBA Members: Dan Roszkowski
Kim Johnsen
Maurice Redd
Jennifer Spencer

Absent: Craig Sockwell
Jennifer Smith
Tom Fabiano

Staff: Angela Hammer- City Attorney
Megan McNeill- Assistant City Attorney
Darius Morrow- Land Use Planner
Scott Capovilla - Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Jeremy Carter - Traffic Engineer

Others: Christine Vitosh-Court Stenographer (Hansen Recording)
Applicants and Interested Parties

Scott Capovilla explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

- The Chairman will call the address of the application.
- The Applicant or Representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer.

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party.
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, July 26, 2021, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, August 2, 2021. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, August 17, 2021. If for any reason the item is laid over at the committee level or on the City Council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 6:07 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the May 18, 2021 meeting minutes. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-0 via roll call vote.

ZBA 003-21

Applicant
Ward 1

111 South Perryville Road

Lamar Advertising

Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District (**Referred back to ZBA by City Council**)

The Applicant, Attorney Kraig Bryon for Lamar Advertising, stated this item was here several months ago with the application being approved 7-0, and that it is part of an agreement between Lamar and the City going back to 2008. Attorney Bryon states, Staff has again recommended approval with one condition that Lamar rejected that the last time that was removed this time but one of the conditions that all of the remaining signs that Lamar had to be removed was added as a condition. Attorney Bryon handed copies of all the sign permits for the removals and a list of 29 faces that was supposed to be removed and all but one located at 727 1st Avenue has been accounted for by Lamar. Attorney Bryon states Lamar has upheld its end of the bargain.

Kim Johnsen asked why the one on 727 1st Avenue was not removed. Attorney Bryon stated the billboard has been removed but Lamar does not have the permit. However, Lamar's position is that all signs that were required to be removed have been removed.

Scott Capovilla stated, based on the March 27, 2007 Memo to Alderman Joe Sosnowski, Mayor Morrissey, and City Council from Todd Cagnoni Manager of Current Planning (at that time), the City would disagree, as we believe there are numerous other billboards that were not removed as part of the agreement.

Jennifer Spencer asked if that is why this came back to us. Mr. Capovilla stated that is part of it. Some City Council members were analyzing the memo and making comments that the memo was not formally adopted but was just a Staff agreement that was between the two parties. If the Applicant was going to keep referring to the memo and stating that everything was very clear, then the council members wanted to make sure the agreement was met. After Staff went through the memo, they discovered that numerous other billboards that were not removed.

Attorney Bryon stated that what Mr. Capovilla is referring to is the last two pages of the report and it is pretty clear that Exhibit G is still in the discussion phase about billboards to be removed, proposed electronic billboards, additional billboard removal locations, and Lamar is confident that the 29 billboards agreed upon have been removed. Attorney Bryon states he has additional letters that go way back and there is nothing concrete, but if you look at the exchanges between Lamar and Todd, it is pretty clear he did not have any issues in the last report and we just want the City to uphold their end of the bargain as Lamar has.

Dan Roszkowski asked Mr. Capovilla if the fact that they have not taken down the billboards listed in the memo changes staff's recommendation. Mr. Capovilla stated we will stick with the condition that they live up to the Memo they keep referring to in 2007 as a part of this agreement.

Kim Johnsen asked about condition 7 and looking at the list it appears that all of the billboards have been removed. Mr. Capovilla stated that you need to reference Exhibit G, page 3 for additional billboard removal locations proposed as part of the agreement. There has been a lot that have been removed but there are some that have not.

Maurice Redd asked Mr. Capovilla to be more specific. Mr. Capovilla stated there are 15 billboards that have not been removed.

Kim Johnsen inquired if it is possible we could approve this contingent upon them to continue to work with Staff or require them to come up with some type of agreement.

Attorney Bryon asked to speak again and the Chairman granted his request. Attorney Byron stated the board should go back and look at the Ordinances in 2008 when City approved Lamar's billboard permits. If the City did not believe Lamar had not lived up their side of obligation, would it have authorized Lamar to construct the two-sided digital billboard in 2011. Why would the City Council approve if Lamar did not satisfy their original obligations.

Mr. Roszkowski asked Mr. Capovilla if they can approve this as noted and then have Staff and Lamar negotiate. Mr. Capovilla stated the board could approve it, modify the condition or whatever they would like to do.

Jennifer Spencer stated she is not opposed to it as long as things are worked out but she is afraid it will come back to the board. She asked if the board could lay over this application until they get clarification and a more definitive list on the billboards to be removed.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Spencer to **LAYOVER** a Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Kim Johnson and **CARRIED** by a vote of 4-0.

ZBA 021-21

Applicant
Ward 14

6684 Newburg Road

Julia & Roberto Flores

Zoning Map Amendment from C-1, Limited Office Zoning District to R-1, Single-family Residential Zoning District

The Applicants, Julia and Roberto Flores, stated they are just trying get the C-1 changed to an R-1, Single-family residence. This property was originally a hair salon and then it was converted into a single-family with a home office and they would like to sell it as a single family home.

Kim Johnsen asked if the reason for changing the zoning is to sell it and have the correct zoning for the use. Julia Flores stated that was correct.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** Zoning Map Amendment from C-1, Limited Office Zoning District to R-1, Single-family Residential Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 4-0.

Approval based on the following conditions:

1. Must meet all Building and Fire Codes.
2. Submittal of a Building Permit to establish the single-family residence to Staff for review and approval.

FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM C-1, LIMITED OFFICE ZONING DISTRICT TO
R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 6684 NEWBURG ROAD

Approval of this Zoning Map Amendment is based upon the following findings:

- 1) The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the residential because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the zoning district.
- 2) The proposed Zoning Map Amendment is consistent with the approved general plan.

ZBA 022-21

Applicant
Ward 2

4405 Highcrest Road

Anthony Perna for Provena St. Anne Center

Variation to increase the maximum allowed square footage of a freestanding sign for a nonresidential use in a Residential District from 48 square feet to 57.5 square feet along North Alpine Road in an R-1, Single-family Residential Zoning District

The Applicant, Anthony Perna of SignCo Inc., stated Ascension is requesting a Variance to add an additional 11 to 12 square feet on the new sign compared to the old sign. Ascension bought out all of the Presence facilities nationwide and his company has done new signage at about 15 facilities locally. Ascension has very strict branding that they would like to stick with and are just asking for additional square footage based on the location and the size of the property.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** a Variation to increase the maximum allowed square footage of a freestanding sign for a nonresidential use in a Residential District from 48 square feet to 57.5

square feet along North Alpine Road in an R-1, Single-family Residential Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 4-0 via roll call vote.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes
2. Submittal of a Building Permit with sign foundation detail for the new sign foundation.
3. Submittal of Permanent Sign Application for Staff's review and approval.
4. The freestanding sign must be in accordance with Exhibit E.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO
INCREASE THE MAXIMUM ALLOWED SQUARE FOOTAGE OF A FREESTANDING SIGN FOR A
NONRESIDENTIAL USE IN A RESIDENTIAL DISTRICT FROM
48 SQUARE FEET TO 57.5 SQUARE FEET ALONG NORTH ALPINE ROAD
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 4405 HIGHCREST ROAD**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 023-21

Applicant
Ward 3

1238 East State Street

Jennifer Kuroda for Swedish American Realty Corporation
Special Use Permit for a Mural on a building in a C-1, Limited Office
Zoning District

The Applicant, Jennifer Kuroda, is an employee of Swedish American and President of the Sinnissippi Audubon. Ms. Kuroda stated a couple years ago they proposed this project for a mural at two locations on the Swedish American property but was unsuccessful. A part of the mission of Swedish American is Community engagement and that is why this is being brought back. Ms. Kuroda explained that she brought

in a nationally known street artist who will engage with 2-3 art students from the Rockford Public School District. The Audubon Mural Project started in New York City and Rockford is considered a satellite project and will be featured in National Audubon Magazine. Ms. Kuroda stated the mission behind the murals is to bring awareness to climate change and the species of bird that will be affected.

Kim Johnsen asked about Exhibit E as she was a little confused on which mural is being proposed. Ms. Kuroda stated the building faces State Street and there are two sides visible on the building so there will be two different murals.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Spencer to **APPROVE** Special Use Permit for a Mural on a building in a C-1, Limited Office Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 4-0.

Approval is based on the following conditions:

1. Submittal of mural elevation and placement of mural on building for staff's review and approval prior to installation.
2. A sign permit shall be required including an illustration of the proposed artwork shall be submitted with the permit application.
3. The mural panels may not consist of a vinyl banner material within a frame.
4. The mural must be maintained to meet code.

**FINDINGS OF FACT FOR APPROVAL OF A
SPECIAL USE PERMIT FOR A MURAL ON A BUILDING
IN A C-1, LIMITED OFFICE ZONING DISTRICT
LOCATED AT 1238 EAST STATE STREET**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-1 District in which it is located.

ZBA 024-20

311 15th Avenue, 1706 Magnolia Street, 1611 & 1711 Seminary Street

Applicant

Attorney Sherry Harlan for International Women's Baseball Center and Rockford Park District

Ward 5 & 11

Special Use Permit for a Planned Unit Development for a museum campus, activities center, baseball field and parking lot in an I-1, Light Industrial Zoning District and R-2, Two-family Residential Zoning District

Prior to the meeting, the Applicant requested a layover for this item.

A **MOTION** was made by Kim Johnsen to **LAYOVER** Special Use Permit for a Planned Unit Development for a museum campus, activities center, baseball field and parking lot in an I-1, Light Industrial Zoning District and R-2, Two-family Residential Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 4-0 via roll call vote.

ZBA 025-21

765 North Madison Street

Applicant

City of Rockford/ Rockford Public Library

Ward 3

Special Use Permit for a Mural on a building in a C-4, Urban Mixed-Use Zoning District

Scott Capovilla presented on behalf of the Rockford Public Library on a mural project that is already completed. This was supposed to be heard by the board last month as the lead artist was already scheduled to be in town so the mural project had to move forward. It is a fantastic project as they worked with the kids in the community and is another great addition to the murals in our community.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** Special Use Permit for a Mural on a building in a C-4, Urban Mixed-Use Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 4-0.

Approval is based on the following conditions:

1. Submittal of mural elevation and placement of mural on building for staff's review and approval prior to installation.
2. A sign permit shall be required including an illustration of the proposed artwork shall be submitted with the permit application.
3. The mural panels may not consist of a vinyl banner material within a frame.
4. The mural must be maintained to meet code.

**FINDINGS OF FACT FOR APPROVAL OF A
SPECIAL USE PERMIT FOR A MURAL
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 765 NORTH MADISON STREET**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-4 District in which it is located.

ZBA 026-21
Applicant

Text Amendment
City of Rockford

Scott Capovilla, Zoning Officer for the City of Rockford, stated he was asked to draft a Text Amendment on behalf of the City for Article 80-009-D, which would change the date of compliance to have all gravel commercial and residential driveways and parking lots paved by November 1 of this year to November 1 2023. This was originally proposed as a Text Amendment in 2016 and gave everyone to 2019 to comply. Mr. Capovilla stated posts on the City's social media sites regarding the requirement prompted comments and calls from a lot of people stating they did not about this requirement. The City Council asked for another text amendment that allowed two additional years to comply extending the deadline to this year. Mr. Capovilla stated due to COVID, the City Council requested the Zoning Officer draft another text amendment extending the compliance date an additional two years until November 1, 2023.

Kim Johnsen asked how the City notifies the public. Mr. Capovilla responded through standard media outlets as well as the City's social media sites. Ms. Johnsen asked if the City could send out letters to those land owners with the gravel driveways and parking lots. Mr. Capovilla stated the City will continue with social media as well as other avenues and the City will probably develop a financial program to help those that cannot afford to pave the driveways.

Jennifer Spencer asked if this paving requirement is for aesthetics or for storm water runoff. Mr. Capovilla stated it is a little bit of both. Paving improves the looks but we also have problems with run off and erosion damaging our storm sewer system and polluting our waterways.

Maurice Redd inquired on approximately how many gravel driveways are there. Mr. Capovilla stated there are still several hundred but they are seeing some progress toward compliance.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Spencer to **APPROVE** Text Amendment of the City of Rockford Zoning Ordinance to Article 80-009-D. All properties in Commercial and Residential Districts with gravel driveways and/or gravel parking lots legally established shall conform to the regulations contained in Section 50-013-A of this Ordinance by November 1, 2023. Nothing in this provision allows illegally established nonconforming parking lots and driveways to remain. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 4-0.

ZBA 027-21
Applicant
Ward 2

2343 16th Avenue
Alexis Bock

Variation to increase the maximum allowed fence height in the front yard along 20th Street from 4 feet to 6 feet in an R-1, Single-family Residential Zoning District

The Applicant, Alex Bock, stated she was here today for fence variance for a single-family home on a corner lot. She received a violation letter in mail that said technically her back yard must comply with a front yard rules, which she was unaware of. Ms. Bock stated this is safety issue because her son has sensory processing disorder and sounds and over stimulation can affect him different than others. 20th Street is a busy road and she wants to keep him in the yard and safe. Ms. Bock handed out a Letter of Support from Alderman Jonathan Logemann and signatures for support from her neighbors.

Jennifer Spencer asked if the fence was 4 feet in height. Ms. Bock stated the fence is 6 feet in height and has already been installed by the contractor.

Kim Johnsen inquired as to why Ms. Bock needs to extend the fence along 20th Street and 16th Avenue. Ms. Bock, stated, the fence is flush with the garage and only comes out 4 feet from the house and she is not looking to add to it.

Mr. Capovilla wanted to clarify for the record that this is for the existing fence and she is not proposing to add to it. The neighbors sent letter saying they were okay with the existing fence but wanted to make sure Ms. Bock was not adding to it. Mr. Capovilla also clarified the corner lots have two front yards.

Staff Recommendation was for denial. One interested party was present.

Robert Nason spoke on behalf of the Applicant. He stated Alexis is his granddaughter and the fence does not run down the whole side of her house but stops at the back corner of her house. His grandson has special needs and they are concerned that noise bothers him and he could run out in street. Also, it will keep the dog from jumping over the fence and 20th Street is busy.

A **MOTION** was made by Kim Johnsen to **APPROVE** Variation to increase the maximum allowed fence height in the front yard along 20th Street from 4 feet to 6 feet in an R-1, Single-family Residential Zoning District. The motion was **SECONDED** by Marcus Redd and **CARRIED** by a vote of 4-0.

FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO INCREASE THE MAXIMUM ALLOWED FENCE HEIGHT IN THE FRONT YARD ALONG 20TH
STREET FROM 4 FEET TO 6 FEET
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 2343 16TH AVENUE

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.

3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 028-21

Applicant
Ward 11

1021 12th Avenue

Sengla Vanmanivong for Vanmanivong Trust 205
Zoning Map Amendment from C-2, Limited Commercial Zoning District to R-2, Two-family Residential Zoning District

The Applicant, Sengla Vanmanivong, was present. Ms. Vanmanivong stated she has been the owner of the 1021 12th Avenue since 2005, which has been a 3-unit building but in a C- 2, Commercial district and is asking to change zoning to R-2.

Staff Recommendation was for approval. One interested party was present.

Alderman Tuffy Quinonez stated as the Alderman of this 11 Ward, he agreed with City Staff and would like to see this zoning change on this property.

A **MOTION** was made by Kim Johnsen to **APPROVE** Zoning Map Amendment from C-2, Limited Commercial Zoning District to R-2, Two-family Residential Zoning District The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 4-0.

Approval is based on the following conditions:

1. Must meet all applicable building and fire codes.

FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM C-2, LIMITED COMMERCIAL ZONING DISTRICT TO
R-2, TWO-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 1021 12TH AVENUE

Approval of this Zoning Map Amendment is based upon the following findings:

- 1) The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;

- b. This proposal protects the character, scale and stability of the residential because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the zoning district.
- 2) The proposed Zoning Map Amendment is consistent with the approved general plan.

ZBA 029-21

Applicant
Ward 4

7450 Ryebrook Road

Kelly Dowda

Variation for a driveway addition in the front yards along Ryebrook Road and Ryebrook Court in an R-1, Single-family Residential Zoning District

The applicant failed to appear.

A **MOTION** was made by Kim Johnsen to **LAYOVER** Variation for a driveway addition in the front yards along Ryebrook Road and Ryebrook Court in an R-1, Single-family Residential Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 4-0.

ZBA 030-21

Applicant
Ward 3

513 East State Street

City of Rockford/ Rockford Area Arts Council

Special Use Permit for a Mural on a building in a C-4, Urban Mixed-Use Zoning District

Scott Capovilla spoke on behalf of the Rockford Area Arts Council. He stated this is a mural that is proposed for the building where the Office Nightclub is located. The mural will be located on the alley side of the building and is another great mural for downtown, sprucing it up with more art.

Maurice Redd asked if this mural was already done and Mr. Capovilla stated, no, it has not yet been started.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Marcus Redd to **APPROVE** Special Use Permit for a Mural on a building in a C-4, Urban Mixed-Use Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 4-0.

Approval is based on the following conditions:

1. A sign permit shall be required including an illustration of the proposed art work shall be submitted with the permit application.
2. The mural panels may not consist of a vinyl banner material within a frame.
3. The mural must be maintained to meet code.

**FINDINGS OF FACT FOR APPROVAL OF A
SPECIAL USE PERMIT FOR A MURAL ON THE BUILDING
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 513 EAST STATE STREET**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-4 District in which it is located.

ZBA 031-21

Applicant
Ward 5

2315 South Main Street

Avilene Hernandez Lopez

Zoning Map Amendment from C-1, Limited Office Zoning District to C-2, Limited Commercial Zoning District and a Special Use Permit for tire repair and sales in a C-2, Limited Commercial Zoning District

The Applicant, Avilene Hernandez Lopez, was present and spoke in Spanish. Her translator was Rudy Valdez. Ms. Hernandez Lopez stated she is here for 2315 South Main Street to open a business to sell and service used tires. She presented the hours of operation for the business. She said they have cleaned up the site and fixed up the building.

Jennifer Spencer asked if this the building that was burned and torn down. Rudy Valdez stated this used to be DJ's Auto and did not have a recent fire.

Staff Recommendation was for denial. One interested party was present.

Venita Hervey stated she was most recently Alderman of the Fifth Ward and has lived on Clifton Avenue her whole life except for 22 years. She is not opposed to new businesses on South Main Street but she is opposed to the proposed zoning change on South Main. There were numerous former repair shops and gas stations along South Main but, since the zoning was changed and the road reconstructed, most of those uses have gone away. Ms. Hervey stated the issue we have is that this building is located along an area of South Main that has seen significant revitalization and a used tire shop that is surrounded by residential uses does not fit in that area. The city is trying to revitalize this area and this use does not fit with the plan. The noise, smell and visuals are counterproductive to the kind of revitalization that we want to see along the South Main Corridor. Ms. Hervey stated she is absolutely oppose any kind of industrial type use. A long time ago, this type of blight was typical along South Main but today it does not fit and she would ask that the board support the City Staff's denial of the request use and Zoning Map Amendment.

Rudy Valdez stated that he is on the board for SWIFTT and that is the reason they have been doing all of this work to eliminate the blight as this was an eyesore. He said opposing this is not the solution and would just keep it an eyesore, which does not make since. Mr. Valdez stated as far as the revitalization of South Main, when there was a lot of work being done they should have just taken this building and other buildings

and tore them down. Mr. Valdez stated the public safety would be improved because it will not be a hang out and there is no downside because it is a good business.

Ms. Hernandez Lopez stated this will be a family owned business and they will continue to keep it clean and fix it up as they have been doing for the past year. Whatever requirements are put upon them, they will go ahead and do.

Kim Johnsen stated she understand the Applicant's desire to have a business and she appreciates all of the work they put into the building so far. However, she has concerns about a used tire shop in this area, so she would not support this and supports the Staff Recommendation for denial.

Maurice Redd and Dan Roszkowski both agreed.

Jennifer Spencer stated it's unfortunate they put that much work into it but the changes being made along the corridor that are positive and visible and we need to keep it going.

Ms. Johnsen stated she appreciates Alderman Hervey's comments and they reflect her thoughts on this area as well.

A **MOTION** was made by Jennifer Spencer to **DENY** the Zoning Map Amendment from C-1, Limited Office Zoning District to C-2, Limited Commercial Zoning District and **DENY** a Special Use Permit for tire repair and sales in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Marcus Redd and **CARRIED** by a vote of 4-0.

FINDINGS OF FACT FOR DENIAL OF A ZONING MAP AMENDMENT
FROM C-1, LIMITED OFFICE ZONING DISTRICT
TO C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 2315 SOUTH MAIN STREET

Denial of this Zoning Map Amendment is based upon the following findings:

- 1). The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is not consistent with the comprehensive 2020 plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the residential because the proposed development will not meet all development requirements of this site; and
 - c. The proposed map amendment would not allow for a reasonable development to take place consistent with the C-1 zoning district.
- 2). The proposed Zoning Map Amendment is not consistent with the approved general plan and South Main Street Corridor Study.

FINDINGS OF FACT FOR DENIAL OF A SPECIAL USE PERMIT
FOR TIRE REPAIR AND SALES
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 2315 SOUTH MAIN STREET

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-2 District in which it is located.

ZBA 032-21

Applicant
Ward 5

700 South Main Street

Attorney Jeff Orduno for WPD 1, LLC

Zoning Map Amendment from I-1, Light Industrial Zoning District to C-4, Urban Mixed-Use Zoning District

The Applicant, Attorney Jeff Orduno, stated this map amendment from I-1, Light Industrial to C-4, Urban Mixed Use will allow for the redevelopment of the Historic Brassworks Building into loft apartments. He pointed out the rezoning for the development is not for the entire lot as shown on WINGIS. The property was recently subdivided and the building is now on its own parcel. Attorney Orduno passed out a packet of the building, which will be a \$19 million project with 64 loft units in the building. They do not anticipate a retail use on the first floor so there will be not parking issues. Attorney Orduno stated this is consistent with the development plan, comprehensive plan, and the City has already passed the Development Agreement

Maurice Redd asked what the time line is for the project. Attorney Orduno said they will start later this year around October and anticipate completing it by the end of December 2023.

Staff Recommendation was for approval. One interested party was present.

Venita Harvey stated that Urban Equities has done amazing work in the South Main Corridor. The Water Power building was an eyesore and she wanted to thank them for moving this project forward and further stated she is looking forward more of their projects along South Main Street.

Kim Johnsen said she is excited about the project as well.

A **MOTION** was made by Kim Johnsen to **APPROVE** Zoning Map Amendment from I-1, Light Industrial Zoning District to C-4, Urban Mixed-Use Zoning District .The motion was **SECONDED** by Marcus Redd and **CARRIED** by a vote of 4-0 via roll call vote.

Approval is based on the following conditions:

1. Must meet all Building and Fire Codes.

2. Submittal of a Building Permit to establish the 64-unit residential loft apartments, related amenities and any proposed parking lot improvements.

FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM I-1, LIGHT INDUSTRIAL ZONING DISTRICT TO
C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 700 SOUTH MAIN STREET

Approval of this Zoning Map Amendment is based upon the following findings:

- 1) The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the adjacent uses because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the zoning district.
- 2) The proposed Zoning Map Amendment is consistent with the approved general plan.

ZBA 033-21

Applicant
Ward 2

1680 North Alpine Road and 4420 Highcrest Road

Nick DeBruler and Highcrest Centre, LLC

Special Use Permit for a drive-thru in conjunction with a fast food restaurant in a C-2, Limited Commercial Zoning District

Roberta Esparza and Melissa Pratt were present on behalf of Beef-A-Roo Inc. Ms. Esparza stated they are requesting a Special Use Permit for a drive-thru in conjunction with a fast food restaurant with a great plan in place. They have an agreement with Randy Ballard, owner of Highcrest Shopping Centre, and they are excited about this project as this is an area they have wanted to be for a really long time and are very happy they found a spot.

Dan Roszkowski asked if there are tearing down Sturtevant's building. Ms. Esparza and Ms. Pratt stated that they would be remodeling the building.

Kim Johnsen asked if there are concerns about access to the shopping center. Ms. Esparza stated as soon as you turn off Alpine you would be going directly into Beef-A-Roo to the north and it should not interrupt anything on the other side with the shopping mall and other businesses.

Ms. Pratt stated that the engineering company is here and they have really great illustration they would like to share. Michael Heiting of Arc Design presented a drawing and indicated there will be more definition in the Highcrest Shopping Center parking lot so cars can no long cut through the Sturtevant's site to go through to Midland Bank. Adding a new curb line through the entrance will help distinguish the traffic flow.

Ms. Pratt stated as a business they always try to do what is best so as not to impact traffic and the traffic signal by adding stack room and moving the access to their proposed lot farther away from Alpine.

Mr. Heiting stated there is a letter from Midland that states they would like to have the access eliminated and just have a sidewalk from their parking lot to the Beef-a Roo lot.

Maurice Redd asked what is the time line for the project. Ms. Esparza stated if everything is approved they would close on the property the first week in August, start in construction a couple weeks after that, and it would be a dream to get it done by the end of the year. However, with the industry issues related to getting new equipment, it will likely be pushed into next year.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Spencer to **APPROVE** Special Use Permit for a drive-thru in conjunction with a fast food restaurant in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 4-0 via roll call vote.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised landscaping plan with the existing and proposed landscaping that includes plant species and size for Staff's review and approval.
4. The property be developed as per site plan (Exhibit E) and revised landscaping plans.
5. Submittal of a Parking Lot Permit for site and landscaping work to be completed within the proposed shopping center lot to Staff for review and approval.
6. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
7. Must obtain separate permits for signage and signs must be constructed to match building design and in accordance with plans approved by Staff.
8. Relocation of the existing shopping center sign from the proposed fast food lot to the proposed shopping center lot by September 1, 2022. Sign relocation will require a sign permit and compliance with current sign regulations.
9. Submittal of a photometric plan with fixture details and fixture specifications for staff's review and approval.
10. Must develop building in accordance with Exhibit G, the elevations approved by Staff.
11. Approval and recording of the subdivision plat prior to issuance of the building permit for the new restaurant.
12. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A DRIVE-THRU IN CONJUNCTION WITH A FAST FOOD RESTAURANT
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 1680 NORTH ALPINE ROAD**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage, and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-2 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:45 PM.

Respectfully submitted,
Darius Morrow, Land Use Planner
Zoning Board of Appeals